

## **Part 22**

### **Public Health Offenses**

#### **76-10-2201 Unlawful body piercing and tattooing of a minor -- Penalties.**

- (1) As used in this section:
- (a) "Body piercing" means the creation of an opening in the body, excluding the ear, for the purpose of inserting jewelry or other decoration.
  - (b) "Consent of a minor's parent or legal guardian" means the presence of a parent or legal guardian during the performance of body piercing or tattooing upon the minor after the parent or legal guardian has provided:
    - (i) reasonable proof of personal identity and familial relationship; and
    - (ii) written permission signed by the parent or legal guardian authorizing the performance of body piercing or tattooing upon the minor.
  - (c) "Minor" means a person younger than 18 years of age who:
    - (i) is not married; and
    - (ii) has not been declared emancipated by a court of law.
  - (d) "Tattoo" means to fix an indelible mark or figure upon the body by inserting a pigment under the skin or by producing scars.
- (2) A person is guilty of unlawful body piercing of a minor if the person performs or offers to perform a body piercing:
- (a) upon a minor;
  - (b) without receiving the consent of the minor's parent or legal guardian; and
  - (c) for remuneration or in the course of a business or profession.
- (3) A person is guilty of unlawful tattooing of a minor if the person performs or offers to perform a tattooing:
- (a) upon a minor;
  - (b) without receiving the consent of the minor's parent or legal guardian; and
  - (c) for remuneration or in the course of a business or profession.
- (4) A person is not guilty of Subsection (2) or (3), if the person:
- (a) has no actual knowledge of the minor's age; and
  - (b) reviews, photocopies, and retains the photocopy of an apparently valid driver license or other government-issued picture identification for the minor that expressly purports that the minor is 18 years of age or older before the person performs the body piercing or tattooing.
- (5)
- (a) A person who violates Subsection (2) or (3) is guilty of a class B misdemeanor.
  - (b) The owner or operator of a business in which a violation of Subsection (2) or (3) occurs is subject to a civil penalty of \$1,000 for each violation.

Amended by Chapter 329, 2013 General Session

#### **76-10-2202 Leaving a child unattended in a motor vehicle.**

- (1) As used in this section:
- (a) "Child" means a person who is younger than nine years old.
  - (b) "Enclosed compartment" means any enclosed area of a motor vehicle, including the passenger compartment, regardless of whether a door, window, or hatch is left open.
  - (c) "Motor vehicle" means an automobile, truck, truck tractor, bus, or any other self-propelled vehicle.

- (2) A person who is responsible for a child is guilty of a class C misdemeanor if:
  - (a) the person intentionally, recklessly, knowingly, or with criminal negligence leaves the child in an enclosed compartment of a motor vehicle;
  - (b) the motor vehicle is on:
    - (i) public property; or
    - (ii) private property that is open to the general public;
  - (c) the child is not supervised by a person who is at least nine years old; and
  - (d) the conditions present a risk to the child of:
    - (i) hyperthermia;
    - (ii) hypothermia; or
    - (iii) dehydration.
- (3) This section does not apply if the person's conduct that constitutes a violation of this section is subject to a greater penalty under another provision of state law.
- (4) This section preempts enforcement of a local law or ordinance that makes it an infraction or a criminal offense to engage in the conduct that constitutes a misdemeanor under this section.
- (5) Notwithstanding any provision of state law to the contrary, a conviction under this section may not be used by a state or local government entity as grounds for revoking, refusing to grant, or refusing to renew, a license or permit, including a license or permit relating to the provision of day care or child care.

Enacted by Chapter 204, 2011 General Session